

Amendment and Response
 Title: "Improved Dispensing System for Double Stack Carton"
 Filed: July 24, 2003

Atty Docket No. R029 1281

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (currently amended) An enclosed carton for carrying a plurality of cylindrical containers each with two ends and a diameter, and an axis between the ends, with the containers stacked upon their ends in two tiers with a plurality of layers of containers in each tier, the carton having two ends, at least one of which is an exiting end capable of permitting containers to exit the carton, the carton having a length between the two ends approximately equal to the sum of the diameters of the number of containers to be contained in a layer in a tier, the carton comprising:

a. a bottom panel, a top panel, ~~and foldably attached adjoining~~ a bottom side panel adjacent to said bottom panel and said top panel, and a top side panel adjacent to said bottom panel and said top panel, the carton having a width between the bottom side and top side panels approximately equal to the sum obtained by multiplying the diameter of a container to be contained in a layer by the number of layers in a tier, the carton being designed so that the axes of ~~said the~~ cylindrical containers are perpendicular to said bottom panel when placed in the carton;

b. said exiting end having a bottom tear line ~~for forming a container dispenser opening~~ that extends at least partially across said exiting end spaced from said bottom side panel on which the carton is designed to rest when dispensing containers at a distance from said bottom side panel sufficient to restrain at least the layer of containers adjacent said bottom side panel from rolling out ~~when the dispenser is open~~, a tear line in said exiting end extending from said bottom tear line adjacent to said top panel into said top side panel a sufficient distance and location to permit a person to grasp and remove a container one at a time from the tier that is adjacent said top side panel, said tear line extending into said

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exiting end adjacent said bottom panel, with all of said tear lines being interconnected to form a dispenser; ~~and~~

c. a divider to be placed between the tiers of containers as the carton is filled with containers, the divider having a width slightly less than the width of the carton, the divider having a length greater than the length of the carton, the divider having two ends, with one end to be placed adjacent the ~~existing~~ exiting end of the carton, said one end having a split that extends a distance into the divider so that said one end of the divider can be folded so it is perpendicular to the rest of the divider, with a portion of the said one end of the divider being on one side of the split, said portion being located adjacent to where the dispenser ~~opening is to be formed~~ is opened by tearing the tear lines, said split in the divider being located so that said portion of the divider can be moved to be adjacent one tier of containers so containers in the other tier can be removed from the carton without being impeded by the divider when the dispenser is open; and

d. means to close the carton.

2. (original) The carton of claim 1 in which the divider has a split on each end that extends a distance into the divider.

3. (original) The carton of claim 1 in which the tear line in said exiting end which extends from said bottom tear line adjacent to said top panel is spaced far enough from said top panel to prevent the containers in the layer adjacent said top panel in the tier adjacent said top panel from rolling out when said dispenser is open, said tear line which extends into said exiting end adjacent said bottom panel being spaced far enough from said bottom panel to prevent the containers in the layer adjacent said top side panel in the tier adjacent said bottom panel from rolling out when said dispenser is open, with the location of the bottom tear line and tear line adjacent said top panel and tear line adjacent said bottom panel being such to prevent or retain all of the containers in the carton from accidentally rolling out when the dispenser is open.

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4. (currently amended) The carton of claim 3 in which the split in the divider is located in relation to the bottom tear line so said portion of the divider located adjacent to ~~where the dispenser opening is to be formed~~ can be moved to be adjacent one tier of containers so containers in the other tier can be removed from the carton without being impeded by the divider when the dispenser is open.

5. (original) The carton of claim 4 in which the divider has a split in each end that extends a distance into the divider.

6. (original) The carton of claim 1 in which all of the layers of containers in each tier except for the top layer are prevented from rolling out when the dispenser is open by said bottom tear line being placed a sufficient distance from said bottom side panel with the top layer of containers in each tier being prevented from rolling out by the placement of the tear lines in the exiting end adjacent said top panel and said bottom panel.

7. (currently amended) The carton of claim 1 which is designed to hold the containers in each tier at a height of three containers adjacent the exiting end with the bottom tear line spaced a sufficient distance from the bottom ~~said~~ side panel to prevent the containers in each tier adjacent the bottom side panel and exiting end and the containers immediately above it and adjacent the exiting end from rolling out when the dispenser is open.

8. (original) The carton of claim 7 in which:

a. said tear line in said exiting end of the carton adjacent said top panel extends at an angle and location from said bottom tear line to the top line between said top panel and said exiting end and extends along said top line until it reaches the top side panel where said tear line extends into said top side panel, said angle and location from said bottom tear line being sufficient to prevent the containers adjacent said dispenser on top of the two layers of

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containers in the tier adjacent said top panel from rolling out but permitting the containers to be grasped for removal when the dispenser is open; and

b. said tear line in said exiting end adjacent said bottom panel extends at an angle and location from said bottom tear line to the bottom line between said bottom panel and said exiting end and extends along said bottom line until it reaches the top side panel where said tear line extends into said top side panel, said angle and location from said bottom tear line adjacent said dispenser being sufficient to prevent the container adjacent the dispenser on top of the two layers of containers in the tier adjacent said bottom panel from rolling out but permitting the container to be grasped for removal when the dispenser is open.

9. (original) The carton of claim 1 which has only one exiting end.

10. (currently amended) An enclosed carton for carrying a plurality of containers, each with two ends and an axis between the ends, with the containers stacked upon their ends in two tiers with a plurality of layers of containers in each tier, the carton having two ends at least one of which is an exiting end, the carton having a length between the two ends approximately equal to the sum of the diameters of the number of containers to be contained in a layer in a tier, with a dispenser capable of permitting containers to exit one at a time from each tier, the carton comprising:

a. a bottom panel, a top panel, ~~and foldably attached adjoining a bottom side panel adjacent to said bottom panel and said top panel~~, and a top side panel adjacent to said bottom panel and said top panel, the carton having a width between the bottom side and top side panels approximately equal to the sum obtained by multiplying the diameter of a container to be contained in a layer by the number of layers in a tier, with the carton being designed so the axes of ~~said~~ the containers are perpendicular to said bottom panel when placed in the carton;

b. said exiting end having four flaps for closing the end, with a bottom side flap foldably attached to said bottom side panel, a top side flap foldably attached to said top side panel, a top end flap foldably attached to said top panel, a bottom end flap foldably attached

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to said bottom panel, said dispenser being formed by a pair of tear lines extending from a location in said top side panel a sufficient distance and location from its foldable attachment to said top side flap so as to permit a person to grasp a container in each tier adjacent said dispenser when open and remove the container, one of said pair of tear lines extending into said bottom end flap adjacent said bottom panel but leaving a projection in said bottom end flap which is attached to said bottom panel so that when said dispenser is open, the projection prevents at least the container adjacent said top side panel in the tier of containers adjacent said bottom panel and dispenser from rolling out when said dispenser is open, the other of said pair of tear lines extending into said top end flap adjacent said top panel but leaving a projection in said top end flap which is attached to said top panel so that when the dispenser is open the projection prevents at least the container adjacent the top side panel in the tier of containers adjacent the top panel and dispenser from rolling out when the dispenser is open, said pair of tear lines then extending towards each other so the portion of said top end flap between the tear lines in said top end flap and said top side flap is removed when the dispenser is open, and the portion of the bottom end flap between the tear line in said bottom end flap and said top side flap is removed when the dispenser is open and the portion of said top side panel between the tear lines in the top side panel and the entire top side flap are removed, with the bottom side flap remaining intact when the dispenser is opened, and said bottom side flap having sufficient height to prevent at least the layer of containers adjacent the bottom side panel from rolling out of the carton when said dispenser is open with the location of all the tear lines being arranged so that none of the containers roll out when the dispenser is open; and

c. a divider to be placed between the tiers of containers as the carton is filled with containers, the divider having a width slightly less than the width of the carton, the divider having a length greater than the length of the carton, the divider having two ends, with one end to be placed adjacent the ~~existing~~ existing end of the carton, said one end having a split that extends a distance into the divider so that said one end of the divider can be folded so it is perpendicular to the rest of the divider, with a portion of the said one end of the divider being on one side of the split, said portion being located adjacent to where the dispenser

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~~opening is to be formed~~ is opened by tearing the tear lines, said split in the divider being located so that said portion of the divider can be moved to be adjacent one tier of containers so containers in the other tier can be removed from the carton without being impeded by the divider when the dispenser is open; and

d. means to close the carton.

11. (original) The carton of claim 10 in which the height of the bottom end flap is sufficient to prevent all but the top layer of containers from rolling out when the dispenser is open and the projections is said top end flap and said bottom end flap are sufficient to prevent the containers in the top layer from rolling out when the dispenser is open.

12. (original) The carton of claim 10 in which the divider has a split on each end that extends a distance into the divider.

13. (currently amended) The carton of claim 12 in which the split in the divider is located in relation to the bottom tear line so said portion of the divider located adjacent to ~~where the dispenser opening is to be formed~~ can be moved to be adjacent one tier of containers so containers in the other tier can be removed from the carton without being impeded by the divider when the dispenser is open.

14. (currently amended) An enclosed carton with 24 cylindrical containers, each with two ends and a diameter, and an axis between the ends, with the containers stacked upon their ends in two tiers with three layers of containers in each tier, the carton having two ends at least one of which is an exiting end, with a dispenser capable of permitting containers to exit one at a time from each tier, the carton having a length between the two ends approximately equal to the sum of the diameters of four containers, the carton comprising:

a. a bottom panel, a top panel, ~~and foldably attached adjoining~~ a bottom side panel adjacent to said bottom panel and said top panel, and a top side panel adjacent to said

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bottom panel and said top panel, the carton having a width between the bottom side and top side panels approximately equal to the sum of the diameters of three containers, with the carton being designed so the axes of ~~said~~ the cylindrical containers are perpendicular to said bottom panel when placed in the carton;

b. said carton containing 24 containers, with 12 of said containers in a 3 by 4 configuration in each tier;

c. said exiting end having four flaps for closing the end, with a bottom side flap foldably attached to said bottom side panel, a top side flap foldably attached to said top side panel, a top end flap foldably attached to said top panel, a bottom end flap foldably attached to said bottom panel, said dispenser being formed by a pair of tear lines extending from a location in said top side panel a sufficient distance and location from its foldable attachment to said top side flap so as to permit a person to grasp a container in each tier adjacent said dispenser when open and remove the container, one of said pair of tear lines extending into said bottom end flap adjacent said bottom panel but leaving a projection in said bottom end flap which is attached to said bottom panel so that when said dispenser is open, the projection prevents at least the container adjacent said top side panel in the tier of containers adjacent said bottom panel and dispenser from rolling out when said dispenser is open, the other of said pair of tear lines extending into said top end flap adjacent said top panel but leaving a projection in said top end flap which is attached to said top panel so that when the dispenser is open the projection prevents at least the container adjacent the top side panel in the tier of containers adjacent the top panel and dispenser from rolling out when the dispenser is open, said pair of tear lines then extending towards each other so the portion of said top end flap between the tear lines in said top end flap and said top side flap is removed when the dispenser is open, and the portion of the bottom end flap between the tear lines in said bottom end flap and said top side flap is removed when the dispenser is open and the portion of said top side panel between the tear lines in the top side panel and the entire top side flap are removed, with the bottom side flap remaining intact when the dispenser is opened, and said bottom side flap having sufficient height to prevent at least the layer of containers adjacent the bottom side panel from rolling out of the carton when said dispenser

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is open with the location of all the tear lines being arranged so that none of the containers roll out when the dispenser is open;

d. a divider between the two tiers of containers, the divider having a width slightly less than the width of the carton, the divider having a length greater than the length of the carton, the divider having two ends, with one end being adjacent the exiting end of the carton, said one end having a split that extends a distance into the divider so that said one end of the divider can be folded so it is perpendicular to the rest of the divider, with the portion of the said one end of the divider on one side of the split being located adjacent to ~~where the dispenser opening is formed by tearing the tear lines~~, said split in the divider being located so that said portion of the divider can be moved to be adjacent one tier of containers so containers in the other tier can be removed from the carton without being impeded by the divider when the dispenser is open; and

e. means to close the carton.

15. (original) The carton of claim 14 in which the divider has a split on each end that extends a distance into the divider.

16. (original) The carton of claim 14 in which the height of the bottom end flap is sufficient to prevent all but the top layer of containers from rolling out when the dispenser is open and the projections is said top end flap and said bottom end flap are sufficient to prevent the containers in the top layer from rolling out when the dispenser is open.

17. (original) The carton of claim 14 in which the tear lines in the bottom end flap and top end flap turn towards each other as viewed when the carton is erected, after forming said projections so as to leave a portion of material out of which the carton is constructed for attachment to said bottom side flap so the exiting end of the carton is held secure when said dispenser is open.

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18. (original) The carton of claim 14 in which the tear lines in the top end flap and bottom end flap extend towards each other as viewed when the carton is erected to form a bottom tear line with two ends with the end of the tear line in said top end flap being angled toward the top side flap and at a location to form the projection to prevent the rolling out of a container in the top layer adjacent the top panel and then intersecting the fold line between said top panel and top end flap and extending along the fold line until it enters the top side panel, and the end of the tear line in the bottom end flap being angled towards the top side flap and at a location to form the projection to prevent the rolling out of a container in the top layer adjacent the bottom panel and then intersecting the fold line between said bottom panel and bottom end flap and extending along the fold line until it enters into said top side panel.

19. (original) The carton of claim 14 in which the bottom end flap has sufficient height to prevent the layer of containers adjacent the bottom side flap and the layer immediately above such layer from rolling out of the carton when said dispenser is open.

20. (previously presented) An enclosed carton and a plurality of containers arranged in said carton in at least a first tier and a second tier, said carton comprising:

- a bottom panel;
- a bottom side panel adjacent to said bottom panel;
- a top panel adjacent to said bottom side panel;
- a top side panel extending between said bottom panel and said top panel;
- a plurality of flaps closing a first end and a second end of said carton; and
- a divider located between said first and second tiers of containers, said divider having a first divider end and a second divider end, said first divider end having a first split that divides said first divider end into a first top end and a first bottom end.

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21. (currently amended) The enclosed carton and plurality of containers of claim 20, wherein said first top end and said first bottom end are folded about at least one fold line with respect to a remainder of said divider.

22. (currently amended) The enclosed carton and plurality of containers of claim 21, wherein said first tier of containers comprises a bottom layer and a top layer of containers, said first top end being adjacent to said top layer, and said first bottom end being adjacent to said bottom layer.

23. (previously presented) The enclosed carton and plurality of containers of claim 21, wherein axes of said containers are substantially perpendicular to said remainder of said divider.

24. (previously presented) The enclosed carton and plurality of containers of claim 20, wherein said divider has a width slightly less than a width of said carton.

25. (previously presented) The enclosed carton and plurality of containers of claim 20, wherein said plurality of containers comprises twenty-four containers.

26. (previously presented) The enclosed carton and plurality of containers of claim 20, wherein said second divider end has a second split that divides said second divider end into a second top end and a second bottom end.

27. (previously presented) The enclosed carton and plurality of containers of claim 20, wherein said carton comprises at least one tear line defining a dispenser opening at said first end of said carton.

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28. (previously presented) The enclosed carton and plurality of containers of claim 27, wherein said at least one tear line comprises a bottom tear line that extends across a width of said carton adjacent to said first split.

29. (currently amended) A method of removing containers from an enclosed carton, the method comprising:

providing an enclosed carton and a plurality of containers comprising: a bottom panel; a bottom side panel adjacent to said bottom panel; a top panel adjacent to said bottom side panel; a top side panel extending between said bottom panel and said top panel; a plurality of flaps closing a first end and a second end of said carton; a divider; a first tier of containers[.]; and a second tier of containers, wherein the divider is located between said first and second tiers of containers, said divider having a first divider end and a second divider end, said first divider end having a first split that divides said first divider end into a first top end and a first bottom end, wherein said first top end and said first bottom end are folded about at least one fold line with respect to a remainder of said divider, ~~the method comprising:~~

removing a portion of said first end of said carton to form a dispenser opening in said carton;

at least partially unfolding at least one of said first top end and said first bottom end to allow said containers to be removed from said carton; and

removing said containers from said carton.

30. (currently amended) The method of claim 29, wherein said first tier of containers comprises a bottom layer and a top layer of containers, said first top end being adjacent to said top layer, and said first bottom end being adjacent to said bottom layer.

31. (previously presented) The method of claim 29, wherein axes of said containers are substantially perpendicular to said remainder of said divider.

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32. (previously presented) The method of claim 29, wherein said second divider end has a second split that divides said second divider end into a second top end and a second bottom end.

33. (currently amended) A method of loading containers into a carton, the method comprising:

providing an open carton comprising: a bottom panel; a bottom side panel adjacent to said bottom panel; a top panel adjacent to said bottom side panel; a top side panel extending between said bottom panel and said top panel; a first plurality of flaps at a first end of said carton and a second plurality of flaps at a second end of said carton;

providing a divider having a first divider end and a second divider end, said first divider end having a first split that divides said first divider end into a first top end and a first bottom end;

loading a first tier of containers, said divider, and a second tier of containers in said open carton so that said divider separates said first and second tiers, and so that said first top end and said first bottom end are folded about at least one fold line with respect to a remainder of said divider; and

closing said first and second ends of said carton with said first and second plurality of flaps.

34. (currently amended) The method of claim 33, wherein said first tier of containers comprises a bottom layer and a top layer of containers, said first top end being adjacent to said top layer, and said first bottom end being adjacent to said bottom layer.

35. (previously presented) The method of claim 33, wherein axes of said containers are substantially perpendicular to said remainder of said divider.

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Please add the following new claims:

36. (new) The enclosed carton and plurality of containers of claim 20, wherein said split is an aperture.

37. (new) The enclosed carton and plurality of containers of claim 20, wherein said split extends along a length of said divider, and said first top end and said first bottom end are disposed along a width of said divider.

38. (new) The enclosed carton and plurality of containers of claim 20, wherein said first top end and said first bottom end are pivotable about at least one fold line that extends generally transverse to said split.

39. (new) The enclosed carton and plurality of containers of claim 20, wherein said first top end and said first bottom end are foldably connected at a common edge of said divider.